

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MICHAEL RAY PROVENCIO,

No. 2:20-cv-01007-YY

Plaintiff,

ORDER

v.

D. PARKER, Officer,

Defendant.

HERNÁNDEZ, District Judge:

Magistrate Judge You issued a Findings and Recommendation on April 12, 2021, in which she recommends that this Court grant Defendant's Motion for Summary Judgment and dismiss this case without prejudice. F&R, ECF 35. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Plaintiff filed timely objections to the Magistrate Judge's Findings & Recommendation. Pl. Obj., ECF 37. When any party objects to any portion of the Magistrate Judge's Findings &

Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

The Court has carefully considered Plaintiff's objections and concludes that there is no basis to modify the Findings & Recommendation. The Court has also reviewed the pertinent portions of the record *de novo* and finds no error in the Magistrate Judge's Findings & Recommendation.

CONCLUSION

The Court ADOPTS Magistrate Judge You's Findings and Recommendation [35]. Therefore, Defendant's Motion for Summary Judgment [20] is GRANTED. This case is dismissed without prejudice.

IT IS SO ORDERED.

DATED: July 20, 2021.



MARCO A. HERNÁNDEZ
United States District Judge